Before the COPYRIGHT ROYALTY TRIBUNAL Washington, D.C. 20036

In the Matter of		Affidavit on	
DISTRIBUTION OF CABLE	,	of Character	Claimants
TELEVISION ROYALTY FEES	5)		

State of New York)
ss.:
County of New York)

John Goldwater, being duly sworn, deposes and says:

- 1. I am the President of Archie Enterprises, Inc., the parent of Archie Comic Publications, Inc. and Radio Comics, Inc. ("Archie"), character claimants in this proceeding. I am fully familiar with claimants' business and operations, including the matters relating to the subject of this cable royalty distribution proceeding.
- 2. Archie is, and throughout 1978 was, the owner of copyright in certain pictorial, graphic and sculptural works, namely, well-known, distinctive and popular visual characters. including, among others, each of the following:
 - (a) ARCHIE
 - (b) JUGHEAD
 - (c) REGGIE
 - (d) BETTY
 - (e) VERONICA
 - (f) MR. WEATHERBEE
 - (q) MISS GRUNDY

(h) JOSIE; (i) MELODY; VALERIE, and (j). ALAN M. 3. The copyrighted works, i.e., the copyrighted characters described in Paragraph 2, were included in the following nonnetwork or syndicated television programs or series broadcast during 1978: (a) "THE ARCHIES", featuring ARCHIE, JUGHEAD, REGGIE, BETTY, VERONICA, MR. WEATHERBEE and MISS GRUNDY; "JOSIE AND THE PUSSYCATS", featuring JOSIE, (b) MELODY, VALERIE and ALAN M., and "JOSIE AND THE PUSSYCATS IN OUTER SPACE", eaturing JOSIE, MELODY, VALERIE and ALAN M. Of the programs listed above, the following were included in the Arbitron Television Syndicated Program Analysis Audience Estimates of November, 1978, and there are attached hereto copies of the reports of the Arbitron Analysis showing the markets and broadcast stations on which such programs were syndicated in 1978: "THE ARCHIES" and (a) "JOSIE AND THE PUSSYCATS". To the best of my knowledge and belief, each of the foregoing copyrighted works or characters was likewise included in distant non-network retransmissions made by cable systems during For example, the character ARCHIE was included in retransmission of "THE ARCHIES" by Warner Cable of Clairemont from Station In addition, the character JOSIE was included in retransmission - 2 -

of "JOSIE AND THE FUSSYCATS" by Warner Cable of Clairemont from Station WPIX.

6. Visual representations of our characters are annexed to this affidavit. Our copyrighted characters were included without transformation in appearance or identity in the television programs identified above. Thus, each character continued to retain its independent existence, its immediately recognizable identity and its distinctive appeal apart from and, indeed, paramount to the particular stories, settings or other programming material in which the character was included.

John Goldwater, President

Sworn to before me this /4 day of March, 1980

Notary Public

MICHAEL I. EMETARIENT Housey Public. State of New York Ho, 60-8784835

Qualified in Viestchester County Commission Expires March 30, 1980